

## **What is EPA's notice of final determination?**

The Environmental Protection Agency (EPA) is announcing its final determination for all subclasses of Class V injection wells not included in a 1999 rulemaking. The Agency has determined that additional federal requirements are not needed for these wells, at this time, and existing federal underground injection control (UIC) regulations are adequate to prevent Class V injection wells from endangering underground sources of drinking water. EPA proposed this determination in May 2001 (60 FR 22971). The determination is based on the Agency's evaluation of existing data collected for *The Class V Underground Injection Control Study* (EPA/816-R-99-014), additional sources of information placed in the public docket, and public comment on the proposed determination.

Today's determination is limited to the requirements of Section 1421 of Safe Drinking Water Act (SDWA) as applied to Class V injection activities and does not limit in any way the Agency's authorities or obligations under other statutes, such as the Clean Water Act.

## **What is a Class V injection well?**

A *well* is any bored, drilled, driven shaft, or dug hole that is deeper than wide at its widest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.

Typically, Class V injection wells are shallow *wells*, such as septic systems and drywells, used to place nonhazardous fluids directly below the land surface. However, Class V injection wells can be deep, highly sophisticated wells. EPA estimates there are more than 650,000 Class V injection wells in the United States. Class V injection wells are located in every state, especially in unsewered areas. These areas are also where the population is likely to depend on groundwater for its drinking water source.

Some examples of Class V injection wells include agricultural drainage wells, storm water drainage wells, large capacity septic systems, sewage treatment effluent wells, spent brine return flow wells, mine backfill wells, aquaculture waste disposal wells, solution mining wells, in-situ fossil fuel recovery wells, special drainage wells, experimental wells, aquifer remediation wells, geothermal electric power wells, geothermal direct heat wells, heat pump/air conditioning return flow wells, saltwater intrusion barrier wells, aquifer recharge and aquifer storage and recovery wells, subsidence control wells, and industrial wells.

## **What are Class V injection wells used for?**

Class V injection wells are used for: waste water disposal; to drain excess water from agricultural land and after storm events; and other beneficial uses such as recharging aquifers and storing water for future use. The effective management of Class V injection wells is vital because of their large number, the wide variety of fluids discharged into them, and because most accessible fresh water is stored in underground aquifers. Aquifers serve as drinking water sources for 86 percent of public water systems in the United States. These aquifers also supply private drinking water, feed our lakes, and recharge our streams and rivers, particularly during dry periods.

## **What federal regulatory requirements apply to Class V injection wells?**

All Class V injection wells are regulated by UIC Programs. The minimum federal requirements for Class V injection wells prohibit any injection activity that may endanger underground sources of drinking water (40 CFR Part 144). Also, the federal regulations require owners and operators of Class V injection wells to provide inventory information (location, legal contact, nature of the injection activity, etc.) to their UIC authority. State UIC programs may have additional, more stringent requirements for Class V injection wells.

In December 1999, EPA published new requirements for two types of Class V injection wells: motor vehicle waste disposal wells and large-capacity cesspools. Existing motor vehicle waste disposal wells were banned in groundwater protection areas and other state-designated sensitive groundwater areas. However, owners and operators of these wells may seek a waiver from the ban and obtain a permit. New motor vehicle waste disposal wells and new and existing large-capacity cesspools were banned nationwide.

### **EPA's management plan for Class V injection wells:**

This determination does not end EPA's obligations, requirements, and actions to prevent Class V injection wells from endangering underground sources of drinking water. The Agency will continue to meet these obligations and implement these authorities for all Class V injection wells. The Agency has developed a management plan to prioritize activities that includes:

#### **A. Implementing Existing Class V Regulations**

***Long Standing UIC Regulations*** - Implementing the existing regulatory requirements, including:

- Enhancing inventory and inspection information;
- Taking enforcement and closure actions, where appropriate and necessary;
- Providing technical assistance to ensure all Class V injection wells are in compliance; and
- Continuing to develop technical guidance/education materials.

***1999 Class V Rule*** - Implementing the Class V Rule, promulgated in December 1999, which addresses motor vehicle waste disposal wells and large capacity cesspools through:

- Outreach
- Training
- Technical Assistance
- Compliance Assistance

#### **B. Educate and Assist Well Operators**

An ongoing outreach effort by state and EPA UIC Programs to educate operators regarding their responsibilities, and provide information on best management

practices. The UIC Program has developed some outreach materials outlining the minimum federal requirements and how owners and operators must comply. These include:

- Small Entity Compliance Guide for Owners of Motor Vehicle Waste Disposal Wells (EPA/816-R-00-018)
- Class V Well Initiative website at: <http://www.epa.gov/safewater/uic/classv.html>
- UIC Program poster - "Protecting Public Health and Drinking Water" (In English: EPA/816-H-01-003, In Spanish: EPA/816-H-02-005)
- UIC Booklet - "Protecting Public Health through Underground Injection Control" (EPA/816-K-02-001)
- Videos - "The Problem with Shallow Disposal Systems" and "Shallow Disposal Systems Are Everyone's Business"

### **C. Explore Non-regulatory Approaches**

A continuous effort by EPA to work closely with Class V injection well owners and operators to establish voluntary standards and practices that are protective of public health.

### **D. Coordinate with other EPA programs**

The UIC program is currently working with other EPA programs to collect data and improve outreach tools.

### **E. Prepare for Future Actions**

Today's proposed determination does not preclude future action under UIC authority if, based on new information, the Agency determines that additional regulatory action is needed. In the normal course of program operations, EPA will continue to work with states, industries and environmental organizations to collect and evaluate data on Class V injection wells and their risks. As new information becomes available, the need for additional regulation will be evaluated.

### **How do I get more information?**

For more information, including the outreach materials listed above, contact the Safe Drinking Water Hotline at 1-800-426-4791 (email: [hotline-sdwa@epamail.epa.gov](mailto:hotline-sdwa@epamail.epa.gov)). You can also get well-specific fact sheets and other information on Class V injection wells, including information on the Class V Rule from the EPA website:

<http://www.epa.gov/safewater/uic/classv.html>. For technical questions contact Robyn Delehanty at [delehanty.robyn@epa.gov](mailto:delehanty.robyn@epa.gov).

